HON'BLE SHRI G.S.SINGHVI, CHIEF JUSTICE

WRIT PETITION No. 22381 of 1996

Between:

Manchana Gunde Rao

…Petitioner

and

Mandal Revenue Officer, Jadcherla and

Another …Respondents

Counsel for the petitioner : Sri Y.Srinivasa Murthy for

Sri A.Giridhar Rao

Counsel for the respondents : Government Pleader for Revenue

::ORDER::

Dated: 14th June, 2006

This is a petition for quashing proceedings No.E-2344/96, dated 30-9-1996 vide which Mandal Revenue Officer, Jadcherla, Mahabubnagar District restrained the petitioner from making construction in Survey No. 225.

In paragraph 3 of counter-affidavit dated 10-3-2006 filed by Mandal Revenue Officer, Jadcherla, the following averments have been made:

"It is submitted that it is a fact that the petitioner herein is the pattedar of Sy.No.225 to an extent of Ac.2-19 Gts., situated within the limits of Jadcherla Village and Mandal. It is also fact that he had made house plots with the approval of the layout by the Gram Panchayat. While making the plot, he raised compound wall for his house construction in his patta land. Some of the S.C. Colony people adjacent to patta land of the petitioner were made a representation, that the petitioner raised a compound wall in Sy.No.226 i.e, Government Land (Gairan) which is adjacent to his patta land thereby he encroached the Government land.

In view of the said representation, a notice vide No.E/2344/96 dated 30-9-1996 was issued to the petitioner by the then Mandal Revenue Officer, Jadcherla to stop construction till the survey and demarcation is made. Aggrieved by this notice only, the petitioner has approached this Hon'ble Court. Subsequently the land in Sy.No.226 (Government Land) was got surveyed and demarcated by the Mandal Surveyor with the Village Map and found that there is no encroachment by the petitioner. As per survey and demarcation it is found that the petitioner was constructed compound wall within his patta land and no Government land was under his encroachment. As such no further proceedings were issued by this office preventing him from constructing the compound wall."

Sri Y.Srinivasa Murthy appearing for the petitioner submits that in view of the averments contained in para 3 of the counter-affidavit, the writ petition may be disposed of as infructuous. Ordered accordingly.

G.S.SINGHVI, CJ

GRR